

**BOROUGH OF WESTWOOD  
PUBLIC MEETING OF THE MAYOR & COUNCIL  
SEPTEMBER 17, 2013 MINUTES  
MUNICIPAL COMPLEX  
101 Washington Avenue  
7:30 PM Executive Closed Session/8:00 pm Public Session**

**1. Opening of the Meeting:**

The meeting was called to order by Mayor Birkner at 7:30 pm. Mayor Birkner then read the Open Public Meetings Law Statement: "This meeting which conforms with the Open Public Meetings law, Chapter 231, Public Laws of 1975, is a regular Borough Council meeting. Notices have been filed with our local official newspapers and posted on the municipal bulletin board."

**2. Roll Call:**

Mayor Birkner – Present  
Councilmember Grefrath – Present  
Councilmember Waneck – Present  
Councilmember Quinn – Present  
Councilmember Arroyo – Present  
Councilmember Miller – Present  
Council President Sciara – Present  
Borough Administrator Hoffmann – Present  
Borough Attorney Huntington – Present  
Borough Clerk Hughes – Present

**Committee Assignments:**

Health & Recreation  
Finance, Administration & Capital Projects  
Public Properties  
Land Use  
Police & OEM  
Fire & Ambulance

**3. Resolution #13 - 234: Executive Closed Session**

**Motion to adopt Resolution #13-234:** Councilmember Miller Second: Council President Sciara

Roll Call: Councilmember Grefrath – Yes	Councilmember Waneck – Yes
Councilmember Quinn – Yes	Councilmember Arroyo – Yes
Councilmember Miller – Yes	Council President Sciara – Yes

**4. Reopen the Meeting:**

**Motion to reopen the meeting:** Council President Sciara Second: Councilmember Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

The time was 8:20 pm.

**5. Roll Call II:**

Mayor Birkner – Present / Councilmember Grefrath – Present / Councilmember Quinn – Present /  
Councilmember Waneck – Present / Councilmember Arroyo – Present / Councilmember Miller –  
Present / Council President Sciara – Present / Borough Administrator Hoffmann – Present /  
Borough Attorney Huntington – Present / Borough Engineer Boswell – Present / Borough Clerk  
Hughes - Present

**6. Flag Salute**

Councilmember Miller gave the invocation. Mayor Birkner led those present in the salute to the flag.

**7. Approval of Minutes: August 20, 2013**

**Motion to adopt the August 20, 2013 Public Session Minutes:** Councilmember Grefrath Second:  
Councilmember Waneck

Roll Call: Councilmember Grefrath – Yes	Councilmember Waneck – Yes
Councilmember Quinn – Yes	Councilmember Arroyo – Yes

Councilmember Miller – Yes

Council President Sciara – Yes

**8. Certificate of Achievement – Westwood Tennis Team**

**9. Reports of Committees and Officials:**

**A) Mayor's Report**

**1) Westvale Park Update**

Mayor Birkner reported on a meeting with the DEP to discuss methane issues at Westvale. It was very productive. The Borough assured the DEP that the concession building tested perfectly safe. The Borough Engineer has installed precautionary meters in the building, and will address the disruption permit. Mayor Birkner reassured the public that there are no safety issues at Westvale. The Borough is working with the DEP to make improvements to the methane recovery system as a whole.

**2) Broadway Train Signalization**

Mayor Birkner stated that the train signalization project is moving along extremely well. The next major shutdown begins on Monday, September 23<sup>rd</sup> at Washington and Broadway. The intersection will reopen September 29<sup>th</sup>. He asked the public to plan accordingly.

**3) School is in Session**

Mayor Birkner reminded everyone that school is back in session, so be careful when driving, especially around school zones. He wished all students an exciting and challenging school year.

**4) Dam/Reservoir Meeting**

Mayor Birkner said at the last Council meeting he had been advised about a meeting with the DEP regarding reservoir levels and mitigation ideas. The meeting was cancelled by the DEP and has not yet been rescheduled. In the interim, he will continue discussions with other representatives in the Legislature and County officials to move forward on mitigating chronic flooding.

**B) Engineer's Report**

**1) Biweekly Report**

Dr. Boswell reviewed the biweekly report, a copy of which is attached.

**2) Westvale Monitoring**

Dr. Boswell advised that the third quarter methane monitoring at Westvale was completed. Boswell is meeting with the driller tomorrow on site, who will come back on the 30<sup>th</sup> to drill a new well for 3B, and fix the well broken by the Mosquito Commission when they dredged Pascack Brook in the area of the pistol range. They will also drill 2 inch holes into the monitoring system to help Boswell determine the installation level of the vents relative to the groundwater depth. This could explain why there is water in the system. Dr. Boswell said the DEP seems to be expressing willingness to help with grant funding for upgrading the monitoring system. Mayor Birkner said it was broached at the meeting last Monday but no grant program is currently in place. He noted that the DEP is reevaluating the methane recovery systems in 700-800 landfill locations across the state. Dr. Boswell noted that one of

the vents is working perfectly. Mayor Birkner said it is just a section that had blockages. Councilmember Arroyo asked the depth of the sections that are functioning properly. Dr. Boswell said that is what they are going to determine now.

**C) Council Liaison & Committee Reports**

**1) Finance, Administration and Capital Projects:**

**a) Environmental Committee Update**

Councilmember Waneck reported that the Environmental Committee would like to put up a wooden sign for the Community Garden. They would also like a small metal sign on the fence with information to contact the Clerk about obtaining a plot. The garden had a late start but there were 9 very active plots this summer. There is now a Master Gardner, Patti Waugh, to run things, and activity will resume in early March next year. With the garden off and running, the next focus of the Environmental Committee will be solar parking canopies in the Borough Hall lot.

**b) Finance Update**

Councilmember Waneck reviewed the third quarter financial report. Expenditures are in line with anticipated expenditures. There are some shortfalls with revenue but the CFO thinks it is from things coming in later than expected. Councilmember Waneck advised that discussions began with the audited departments to come up with action plans. The employees are seeing how more revenues can be brought in just by changing procedures.

**2) Police and OEM:**

**a) CERT Team**

Councilmember Miller reported that the CERT team training began last week. He explained the purpose of the CERT team. This brings OEM to the next level. Councilmember Miller thanked those who stepped forward to train and serve.

**3) Fire and Ambulance:**

**a) Fire Department Update**

Council President Sciara reported that Engine 12's pump is in and tested. The Fire Department is waiting for the new tank to be delivered and installed. The annual Fire Department inspection and dinner is Oct 19. United Water has stepped up again and is sponsoring another Swiftwater training class on October 11-14.

**4) Public Properties:**

**a) DPW Update**

Councilmember Quinn advised that the DPW has started maintenance on BOE vehicles. They were able to fix one and had to send one to the regional manufacturer.

The Shredding event will be held this weekend on Saturday, September 21<sup>st</sup> from 9 am to 1 pm. Residents are asked to limit documents to no more than 10 lbs of paper per bag or box.

**5) Land Use:**

**a) Land Use Boards Update**

Councilmember Arroyo reported on the status of two Zoning Board applications. The Planning Board adopted the final resolution for Ginger and Cream.

**b) Historic Preservation Board Update**

Councilmember Arroyo said the Historic Preservation Board swore in a new member at its September meeting.

**c) Cell Tower Ordinance**

Councilmember Arroyo met with the Borough Administrator, Attorney and Planner to discuss the administrative side of the proposed cell tower ordinance. He is waiting on comments from Mr Huntington and Mr. Hoffmann to take back to the Planning Board.

**6) Health and Recreation:**

**a) Recreation Update**

Councilmember Grefrath advised that the Recreation Director has secured two sponsors, Care One and HUMC, for the Ragamuffin parade.

**D) Attorney's Report**

**1) 79 James Street**

Mr. Huntington explained that homeowners on James street accidentally encroached onto the paper street next to their home. The Governing Body needs to decided if it can it be permitted to remain. Mr. Huntington reviewed the draft hold harmless, and noted that the Borough can revoke the permissions with 30 days notice. Councilmember Arroyo said he looked at it and believes the wall is done well. There are no variances required for it. Councilmember Grefrath agreed that it is well done. The paper street is a wooded area anyway, so doesn't think it is an issue. Councilmember Grefrath asked if he is permitted to vote since he lives within 200 feet. Mr. Huntington suggested he not vote. Council President Sciara didn't realize it was a paper street. Since it is overgrown and they have to clean it up, he feels it is worth letting them have the wall.

**E) Administrator's / Clerk's Report**

No report.

**10. Agenda/Public Forum:**

**Motion to open Agenda/Public Forum:** Council President Sciara Second: Councilmember Miller  
Voice Vote: A voice vote was taken with all present voting in the Affirmative.

Jeff Perry, Berkely and Bogert – suggested the Borough look into lighting in the area of Sand Road and Westwood Avenue. Mr. Perry said youngsters in dark clothes going to and from Berkeley field can't be seen when on the street.

Claire Keller, Newark Ave – thanked everyone for their service. Ms. Keller discussed flooding on Newark Avenue that occurs after heavy rains. She presented photos of the situation. Mr. Huntington asked if there is a stream in the area. Mayor Birkner said no. Ms. Keller said it is water from local streets funneling down. It goes away an hour after a storm but the damage is already done. Mayor

Birkner said he will have the DPW Superintendent take a look at the catch basins and televise the pipes. Council President Sciara asked if this is recent. Ms. Keller said it has 5 times in the past 13 months.

**Motion to close Agenda/Public Forum:** Council President Sciara Second: Councilmember Miller  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

Mayor Birkner left at this time to attend to a family matter.

**11. Ordinances of First & Final Reading:**

**Ordinances for Introduction**

**13-22 An Ordinance Amending Chapter 81, Alarm Systems**

**BE IT RESOLVED** that Ordinance #13-22 entitled “An Ordinance Amending Chapter 81, Alarm Systems” is hereby introduced by title; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to advertise said ordinance with an October 1, 2013 hearing date in the official newspaper according to law.

**Motion to pass the ordinance on First Reading:** Councilmember Miller

Second: Council President Sciara

Roll Call: Councilmember Grefrath – Yes                      Councilmember Waneck – Yes  
                    Councilmember Quinn – Yes                      Councilmember Arroyo – Yes  
                    Councilmember Miller – Yes                      Council President Sciara – Yes

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**13-24 An Ordinance of the Borough of Westwood, in the County of Bergen, New Jersey, Providing for Construction of Curb Ramps Along Fourth Avenue, Third Avenue and Washington Avenue and Appropriating \$180,650 (Including a Grant in the Amount of \$165,650 Expected to be Received From the County of Bergen ADA Cooperative Curb Ramp Construction Grant Program 2012) and Appropriating \$15,000 Therefor from the Borough’s Capital Fund**

**BE IT RESOLVED** that Ordinance #13-24 entitled “An Ordinance of the Borough of Westwood, in the County of Bergen, New Jersey, Providing for Construction of Curb Ramps Along Fourth Avenue, Third Avenue and Washington Avenue and Appropriating \$180,650 (Including a Grant in the Amount of \$165,650 Expected to be Received From the County of Bergen ADA Cooperative Curb Ramp Construction Grant Program 2012) and Appropriating \$15,000 Therefor from the Borough’s Capital Fund” is hereby introduced by title; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to advertise said ordinance with an October 1, 2013 hearing date in the official newspaper according to law.

**Motion to pass the ordinance on First Reading:** Councilmember Waneck  
Second: Councilmember Grefrath  
Roll Call: Councilmember Grefrath – Yes                      Councilmember Waneck – Yes  
                    Councilmember Quinn – Yes                      Councilmember Arroyo – Yes  
                    Councilmember Miller – Yes                      Council President Sciara – Yes

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Ordinances on Final Reading

**13-20      An Ordinance Amending Chapter 330 Streets and Sidewalks, Article I Sidewalk Construction**

**BE IT RESOLVED** that Ordinance #13-20 entitled “An Ordinance Amending Chapter 330 Streets and Sidewalks, Article I Sidewalk Construction” having hereby been read by title, shall have a hearing held on this date.

**Motion to open the public hearing:** Councilmember Arroyo    Second: Councilmember Grefrath  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**Public Comments:**  
No comments.

**Motion to close the public hearing:** Councilmember Miller    Second: Councilmember Arroyo  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**BE IT RESOLVED** that an Ordinance known as #13-20 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

**Motion for final adoption:** Councilmember Arroyo    Second: Councilmember Waneck  
Roll Call: Councilmember Grefrath – Yes                      Councilmember Waneck – Yes  
                    Councilmember Quinn – Yes                      Councilmember Arroyo – Yes  
                    Councilmember Miller – Yes                      Council President Sciara – Yes

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**13-21      An Ordinance Amending Chapter 195 Land Use And Development, Article XIX Sign Regulations**

**BE IT RESOLVED** that Ordinance #13-21 entitled “An Ordinance Amending Chapter 195 Land Use And Development, Article XIX Sign Regulations” having hereby been read by title, shall have a hearing held on this date.

**Motion to open the public hearing:** Councilmember Arroyo    Second: Councilmember Miller  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**Public Comments:**  
No comments.

**Motion to close the public hearing:** Councilmember Miller Second: Councilmember Waneck  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**BE IT RESOLVED** that an Ordinance known as #13-21 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

**Motion for final adoption:** Councilmember Arroyo Second: Councilmember Miller

Roll Call: Councilmember Grefrath – Yes Councilmember Waneck – Yes  
Councilmember Quinn – Yes Councilmember Arroyo – Yes  
Councilmember Miller – Yes Council President Sciara – Yes

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**13-23 An Ordinance of the Borough of Westwood, in the County of Bergen, New Jersey, Amending Ordinance No. 13-12 of the Borough Finally Adopted on July 15, 2013, Providing for Various Road and Park Improvements in the Borough of Westwood and Appropriating \$415,000 Therefor, and Providing for the Issuance of \$394,250 in Bonds or Notes of the Borough of Westwood to Finance the Same**

BE IT RESOLVED that Ordinance #13-23 entitled “An Ordinance of the Borough of Westwood, in the County of Bergen, New Jersey, Amending Ordinance No. 13-12 of the Borough Finally Adopted on July 15, 2013, Providing for Various Road and Park Improvements in the Borough of Westwood and Appropriating \$415,000 Therefor, and Providing for the Issuance of \$394,250 in Bonds or Notes of the Borough of Westwood to Finance the Same” having hereby been read by title, shall have a hearing held on this date.

**Motion to open the public hearing:** Councilmember Grefrath Second: Councilmember Miller  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**Public Comments:**

No comments.

**Motion to close the public hearing:** Councilmember Grefrath Second: Councilmember Miller  
Voice Vote: A voice vote was taken with all present voting in the affirmative.

**BE IT RESOLVED** that an Ordinance known as #13-23 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

**Motion for final adoption:** Councilmember Grefrath Second: Councilmember Waneck

Roll Call: Councilmember Grefrath – Yes Councilmember Waneck – Yes  
Councilmember Quinn – Yes Councilmember Arroyo – Yes  
Councilmember Miller – Yes Council President Sciara – Yes

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**12. Presentation of Bills, Financial Reports and Resolutions:**

Councilmember Grefrath asked if there were any resolutions to add to the Consent Agenda. He stated that any Councilmembers who wished to remove any Resolution(s) to be voted upon separately could do so at this time, otherwise the Consent Agenda would be enacted in one motion.

**Resolutions as Consent Agenda:**

- a) **Resolution #13 - 235: Bill List & Statement of Cash**
- b) **Resolution #13 - 236: Authorizing Refund of Taxes B907 L1**
- c) **Resolution #13 - 237: Endorsement - CD Grant Application for Pascaack Valley Meals on Wheels**
- d) **Resolution #13 - 238: Authorization for Community Development Grant Agreement (Senior Citizen Program) 2013-2014**
- e) **Resolution #13 - 239: Approval of Amusement Device License – K Mart**
- f) **Resolution #13 - 240: Award of Contract for Municipal Court Shared Services Study**

**Motion to adopt resolutions #13-135 through #13-240:** Councilmember Grefrath

Second: Councilmember Miller

Roll Call: Councilmember Grefrath – Yes      Councilmember Waneck – Yes  
                 Councilmember Quinn – Yes              Councilmember Arroyo – Yes  
                 Councilmember Miller – Yes              Council President Sciara – Yes

g) Resolution #13 – 241: Approving Encroachment Onto Gladys Place

**Motion to adopt resolution #13-241:** Councilmember Grefrath

Second: Councilmember Quinn

Roll Call: Councilmember Grefrath – Abstain      Councilmember Waneck – Yes  
                 Councilmember Quinn – Yes              Councilmember Arroyo – Yes  
                 Councilmember Miller – Yes              Council President Sciara – Yes

**13. Adjournment:**

**Motion to adjourn:** Councilmember Arroyo      Second: Council President Sciara

Voice Vote: A voice vote was taken with all present voting in the affirmative.

The time was 9:10 pm.

Attest:

*(signed) Karen Hughes*

Karen Hughes, RMC, Borough Clerk

Proofed by: Lorraine Flannery, Administrative Secretary